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DATE FILED: <u>3/8/13</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KERRY ASHDOWN,

Plaintiff,

-against-

**EQUINOX, incorporated as EQUINOX
HOLDINGS, LLC, EQUINOX INVESTMENTS
INC., JOE MATARAZZO a/k/a JOSEPH
MATARAZZO, MAURO MAIETTA,
LAWRENCE SANDERS, MATT PLOTKIN
a/k/a MATTHEW PLOTKIN, and MATTHEW
HERBERT,**

Defendants.
-----x

13 CV 1374 (HB)

ORDER FOR CERTAIN EMPLOYMENT CASES

This Court is participating in a Pilot Program for **INITIAL DISCOVERY PROTOCOLS FOR EMPLOYMENT CASES ALLEGING ADVERSE ACTION**, initiated by the Advisory Committee on Federal Rules of Civil Procedure (see "Discovery protocol for employment cases," under "Educational programs and materials," at www.fjc.gov).

The Initial Discovery Protocols will apply to all employment cases pending in this court that challenge one or more actions alleged to be adverse, except:

- i. Class actions;
- ii. Cases in which the allegations involve only the following:
 1. Discrimination in hiring;
 2. Harassment/hostile work environment;
 3. Violations of wage and hour laws under the Fair Labor Standards Act (FLSA);
 4. Failure to provide reasonable accommodations under the Americans with Disabilities Act (ADA);
 5. Violations of the Family Medical Leave Act (FMLA);
 6. Violations of the Employee Retirement Income Security Act (ERISA).

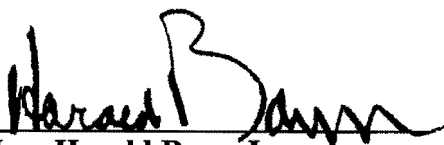
Parties and counsel in the Pilot Program shall comply with the Initial Discovery Protocols, attached to this Order. If any party believes that there is good cause why a particular case should be exempted from the Initial Discovery Protocols, in whole or in part, that party may raise the issue with the Court.

Within 30 days following the defendant's submission of a responsive pleading or motion, the parties shall provide to one another the documents and information described in the Initial Discovery Protocols for the relevant time period. This obligation supersedes the parties' obligations to provide initial disclosures pursuant to F.R.C.P. 26(a)(1). The parties shall use the documents and information exchanged in accordance with the Initial Discovery Protocols to prepare the F.R.C.P. 26(f) discovery plan.

The parties' responses to the Initial Discovery Protocols shall comply with the F.R.C.P. obligations to certify and supplement discovery responses, as well as the form of production standards for documents and electronically stored information. As set forth in the Protocols, this Initial Discovery is not subject to objections, except upon the grounds set forth in F.R.C.P. 26(b)(2)(B).

SO ORDERED.

Dated: 3/7/13
New York, New York


Hon. Harold Baer, Jr.
United States District Judge